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REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the amendments above and the remarks below.

35 U.S.C. §112 Rejections

In the Office Action, claims 69-74 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly incomplete for omitting essential structural cooperative relationships between the elements, such omission amounting to a gap between the necessary structural connections. Claims 74-76 were also rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

By this amendment, claims 69-76 have been canceled without prejudice. These rejections are now rendered moot.

35 U.S.C. §102 Rejection

In the Office Action, claims 60, 61, 69-72, and 74-78 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Girvin (U.S. Patent No. 6,382,370). Applicants respectfully, but most strenuously, traverse this anticipation rejection for the following reasons.

As noted above, by this amendment, claims 69-74 were canceled without prejudice rendering the anticipation rejection of these claims 69-74 moot.

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With regard to the applied reference, Girvin discloses the use of non-compressible hydraulic fluid 70 in a hydraulic chamber and the use of a lock-out valve movable from an open to a closed position, allowing the non-compressible hydraulic fluid such as oil to flow or not flow, to change the damping characteristics of the shock absorber of a bicycle. In addition, Girvin discloses the outer housing 54 forming a sealed chamber containing a pressurized compressible fluid 56 such as air. See Girvin at column 6, lines 44-60. However, in contrast to the suggestion in the Office Action, Girvin does not disclose the pressurized fluid chamber 56 being connected to the non-compressible hydraulic fluid chamber 70 via a fluid channel.

Also, in contrast to the adjustably damping oil-filled shock absorber disclosed in Girvin, applicants' invention is directed to a bicycle having a shock absorber with a first and a second chamber separated by a piston and filled with compressible gas. The first and the second chambers are also connectable via one another via a fluid channel, where a shut-off device is located in the fluid channel, so as to adjust the height of a front wheel suspension.

By this amendment independent claims 60, 77, and 78 have been amended to more particularly recite applicants' invention and to distinguish over Girvin. In particular, claims 60, 77, and 78 which generally recite "an adjusting device for adjusting the height of a front wheel suspension" have been amended to further generally recite the adjusting device as having "two cylinder chambers being filled with compressible gas."

When asserting a §102 rejection, it is well established that there is no anticipation unless (1) all the same elements are (2)

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found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

Girvin fails to disclose the same elements or function for a shock absorber for a bicycle. As noted above, Girvin fails to disclose "an adjusting device for adjusting the height of a front wheel suspension." In addition, Girvin fails to disclose such an adjusting device having "two cylinder chambers being filled with a compressible gas."

Since the adjustably damping oil-filled shock absorber disclosed in Girvin neither discloses the same elements, nor perform an identical function as the adjusting device employing compressible gas for adjusting the height of the front wheel as in applicants' invention, Girvin would not have anticipated applicants' invention as recited in amended independent claims 60, 77, and 78.

New claims 79-83 have been added which further define applicants' invention. As these claims and claim 61 depend from the independent claims, they are patentable for the same reasons noted above regarding claims 60, 77, and 78 as well as for their own specific features. Further, claims 81 and 83 correspond to claim 61. Support for the compressible gas being air is found in the specification on page 13, lines 29-31, and page 14, lines 15-22. The addition of new matter has been carefully avoided.

Withdrawal of the anticipation rejection in light of Girvin is respectfully requested.

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Official Fees

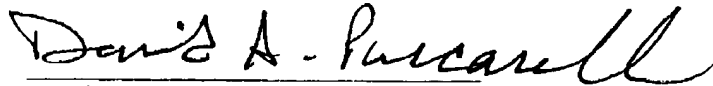
In this response, 8 dependent claims were canceled and 5 new dependent claims have been added. Accordingly, no official surcharge for these additional claims is required.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



David A. Pascarella
Attorney for Applicants
Reg. No. 36,632

Dated: April 11, 2005

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579